

2016 GENERAL ELECTION BALLOT MEASURES

This memorandum summarizes the constitutional and statutory measures scheduled to be included on the 2016 general election ballot.

CONSTITUTIONAL MEASURE NO. 1 - LEGISLATOR RESIDENCY REQUIREMENTS

The Legislative Assembly adopted [2015 Senate Concurrent Resolution No. 4010](#), which would amend Section 5 of Article IV of the Constitution of North Dakota, to prohibit an individual from serving in the Legislative Assembly if the individual does not live in the district from which the individual was elected or appointed.

CONSTITUTIONAL MEASURE NO. 2 - FOUNDATION AID STABILIZATION FUND

The Legislative Assembly adopted [2015 Senate Concurrent Resolution No. 4003](#), which would amend Section 24 of Article X of the Constitution of North Dakota, for the purpose of expanding the educational uses for which the foundation aid stabilization fund may be used. The measure would allow the Legislative Assembly to transfer any excess principal balance in the fund, above 15 percent of the general fund appropriation for state aid to school districts, and use the excess for education-related purposes.

INITIATED CONSTITUTIONAL MEASURE NO. 3 - VICTIMS' RIGHTS AMENDMENT

This [initiated constitutional measure](#) would create a new section to Article I of the Constitution of North Dakota to provide rights and protections for crime victims throughout the criminal and juvenile justice systems. Under the measure, crime victims would be afforded the right to be present at court proceedings relating to the release, plea, sentencing, and parole of the accused. In addition, crime victims would be entitled to be notified of any release or escape of the accused and have the right to refuse interviews and requests for information made by the accused or the accused's attorney.

INITIATED STATUTORY MEASURE NO. 4 - TOBACCO TAX INCREASE

This [initiated statutory measure](#) would amend numerous sections in North Dakota Century Code Chapter 57-36 to increase the separate and additional tax on cigarette sales, create an inventory tax on cigarettes and tobacco products, and increase the excise tax for tobacco products and the levy and assessment of taxes on cigarettes. The net effect of the proposed measure would be to increase the excise tax on a package of 20 cigarettes sold in North Dakota from \$.44 to \$2.20.

The measure also would create a new section to Chapter 37-14 to create a veterans' tobacco tax trust fund and would repeal two provisions of statute related to an excise tax on cigarettes and the exemption for taxes on cigarettes and tobacco products given to occupants of the Veterans' Home and the State Hospital. Collections from cigarette and tobacco product taxes would be allocated among North Dakota cities, the general fund, the veterans' tobacco tax trust fund, and the community health trust fund.

Additionally, the measure creates new definitions of inhalation devices, liquid nicotine, and tobacco products, addresses prohibition of tobacco dealers being tobacco distributors, requires distributors to keep additional records, sets requirements for registration of liquid nicotine dealers, and regulates the alteration of liquid nicotine.

INITIATED STATUTORY MEASURE NO. 5 - MEDICAL MARIJUANA LEGALIZATION

This [initiated statutory measure](#) would create a new chapter to North Dakota Century Code Title 19 to provide for the medical use of marijuana for defined medical conditions such as cancer, Hepatitis C, and epilepsy. The measure would require the State Department of Health to issue identification cards to qualified patients, caregivers, compassion centers, and other facilities. The measure would create procedures for the monitoring, inventorying, dispensing, and cultivation of marijuana, all of which would be enforced by the State Department of Health. The measure would allow a qualified patient to receive up to 3 ounces of marijuana with penalties of suspension, revocation, or criminal prosecution for violations.